

Docket No.: CPC-10003/22
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Scott T. Wepfer

Application No.: 10/645,951

Confirmation No.: 8257

Filed: August 22, 2003

Art Unit: 1617

For: TOPICAL ANESTHETIC FORMULATION

Examiner: L. Soroush

RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action mailed October 10, 2006, Applicant submits the following remarks.

REMARKS

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

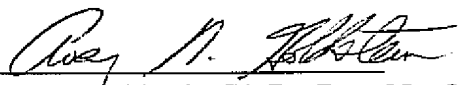
- I. Claims 1-18, 22 and 23, drawn to a formulation comprising at least one anesthetic compound selected from the group consisting of procaine, lidocaine, tetracaine and salts thereof; and a skin penetration enhancer, and a gelling agent in an anhydrous mixture, classified in class 514, subclass 536.
- II. Claims 19-21 and 24, drawn to a method for reducing pain sensation, the method comprising the steps of: applying a therapeutically effective amount of an anhydrous gel anesthetic formulation according to claim 1 to the area of an individual's skin to be anesthetized; and allowing the gel anesthetic to remain in contact with the area for a period of time sufficient to reduce pain sensation, classified in class 514, subclass 536.

Responsive to the restriction requirement, Applicant elects to prosecute the invention of Group II **without traverse**. Applicant submits that pending claims 19-21 and 24 are readable upon Group II.

The Office Action requires an election of a single species as to a plurality of (a) gelling agents, (b) dispersing agents and (c) therapeutic agents. Applicant elects (a) gelling agent hydroxypropyl cellulose, (b) dispersing agent glycerin and (c) therapeutic agent lidocaine.

Dated: *November 8, 2006*

Respectfully submitted,

By 
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